



CITY CLERK

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 27910**", the original copy of which is attached hereto, was passed for publication of title on the **14th day of November, 2006**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **5th day of December, 2006**, by the following vote:

AYES:	CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE, NGUYEN, PYLE, REED, WILLIAMS, YEAGER; GONZALES
NOES:	NONE
ABSENT:	NONE
DISQUALIFIED:	NONE
VACANT:	NONE

Said ordinance is effective as of **January 5, 2007**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **18th day of December, 2006**.

(SEAL)

LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

12/18/06csd

ORDINANCE NO. 27910

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
SECTION 23.04.020 OF CHAPTER 23.04 OF TITLE 23 OF
THE SAN JOSE MUNICIPAL CODE TO ALLOW MORE
FLEXIBLE PLACEMENT OF SKYLINE SIGNS ON
BUILDINGS LESS THAN EIGHTY-FIVE FEET IN HEIGHT
AND WITH A NARROW STREET FRONTAGE IN CERTAIN
LOCATIONS OF THE CITY**

WHEREAS, the environmental impacts of this proposed ordinance have been addressed under that certain Environmental Impact Report for the City of San Jose 2020 General Plan certified by the City of San José City Council on August 16, 1994 ("EIR") and more particularly described within City Council Resolution No. 65459;

WHEREAS, the City Council of the City of San José is the decision-making body for this proposed ordinance; and

WHEREAS, this City Council has considered the EIR and Resolution No. 65459 prior to taking action upon this proposed ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

23.04.020 Attached signs.

A. Quantity.

1. No more than one sign shall be permitted for each separate ground-level occupancy frontage, except that:
 - a. Any ground-level occupancy with more than one occupancy frontage may have one attached sign on each occupancy frontage, not to exceed three frontages; and
 - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and

any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five signs on one of its occupancy frontages.

- c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five additional signs in addition to those set forth in Subsections a and b above.
2. One sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.
3. Exception: In the CO Commercial District no more than one sign shall be permitted for each separate ground-level occupancy frontage, and no signage shall be permitted for second- or third-story occupancies.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one square foot for each linear foot of such occupancy frontage to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances.
3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage or the total number of occupancy frontages multiplied by three hundred (300) square feet, whichever is less.
4. Exception: In the CO Commercial District, the sum of the sign area of the attached signs for each ground-level occupancy frontage shall not exceed one square foot for each two linear feet of occupancy frontage to a maximum of eighty (80) square feet.

C. Height.

1. No attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches of the highest point of the upward extension. Only

permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least fifty (50) feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least twenty-five (25) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.

a. Fin Signs.

(1) Fin signs shall be allowed that:

- (a) Do not exceed six square feet in area per side;
- (b) Project no more than two feet from the wall to which it is attached;
- (c) Are located at least seven feet but not more than twelve feet above grade; and
- (d) Are not illuminated or are illuminated by external lighting.

(2) Each ground-level occupancy frontage may have one such fin sign if such sign is located near its primary entryway and is subject to a master sign program.

(3) Exception.

- (a) Fin signs shall not be allowed in the CO Commercial District.
- (b) In Neighborhood Business Districts, fin signs may project more than two feet from the wall to which attached.

b. Awning Signs.

- (1) Awning signs are allowed that are limited to twenty-five (25) percent of the exterior surface of the awning up to a maximum of eight square feet.

(2) Awning signs shall be located at least seven feet but not more than twelve feet above grade.

(3) Awning signs shall not be illuminated.

c. Window Signs.

(1) Window signs consistent with Section 23.02.1060 of this Title are allowed.

(2) Window signs shall not be allowed above the first floor, except as follows:

(a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.

(b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

2. Marquees.

a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this part.

b. Exception. Marquees shall not be allowed in the CO Commercial District and in the IP, LI, and HI Industrial Districts.

3. Lightbox Signs for Gasoline Service Stations.

a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.

b. Exception. Lightbox signs are not allowed in the CO Commercial District.

4. Skyline Signs; Roof Signs.

a. Applicability.

(1) Buildings located in the area bounded by State Highway 87, US 101 and Interstate 880 that are eighty-five (85) feet or greater in height above grade may have either skyline signs or roof signs; and

- (2) Buildings located in the Julian-Stockton Redevelopment Area and not located in the Downtown Sign Zone that are eighty five (85) feet or greater in height above grade may have either skyline signs or roof signs; and
- (3) Buildings located in the area of the City north of US 101 and west of Interstate Highway 880 may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (4) Non-garage uses on the top floor of parking garages located in the areas described in Subsections 4.a.(1) and (3) may have skyline signs.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:
 - (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
 - (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- (2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:
 - (a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and
 - (b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, river or creek; and

(3) In the area of the City north of US 101 and west of Interstate Highway 880:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty-five (85) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances, except that the total amount of square footage of sign area for all skyline signs on buildings: (i) of less than eighty-five feet (85') in height above grade and (ii) with a building frontage on a public street of less than one hundred fifty (150) linear feet, shall not exceed one (1) square foot for each linear foot of occupancy frontage, notwithstanding the provisions of Section 23.040.020.B. and 23.04.020.E.4.a.(6).
- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty-five (85) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building.
- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.
- e. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
- f. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.

- g. Skyline signs and roof signs on buildings eighty-five (85) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

PASSED FOR PUBLICATION of title this 14th day of November, 2006, by the following vote:

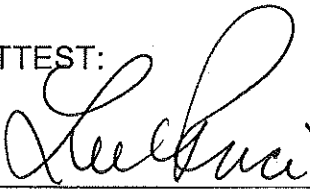
AYES: CHAVEZ, CHIRCO, LeZOTTE, NGUYEN, PYLE,
REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CAMPOS, CORTESE

DISQUALIFIED: NONE

ATTEST:



LEE PRICE, MMC
City Clerk



RON GONZALES
Mayor